

(3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3774 OF 2005

PETITIONER

P.R. No. 3888/05
Presented by Shri A.K. Dey
dated 9/8/05

Vinod Kumar Singh, Aged about
35.. years, S/o. Shri Kapil Ram
Yadav, R/o. Shastrinagar, Camp-1,
Bhilai, Thana-Chawni, District
Durg (C.G.)

VERSUS

RESPONDENTS

RECEIVED-COPY
9.8.05
CLERK to A. G. BILASPUR

1. State of Chhattisgarh,
Through the Collector,
Durg (C.G.)
2. The Station House Officer, P.S.
Bhilainagar, District Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF
CERTIORARI

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3774 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17-8-2005 Shri Anand Kumar Tiwari, counsel for the petitioner. Shri Sandeep Dubey, Govt. Advocate for respondents. Heard both the counsel. The main grievance of the petitioner is that his Marshal Jeep bearing registration No.M.P.-23/GA-6006 was seized by the department of Excise for offence under Section 34 (1) (A) of the Excise Act and the case No.27/2001 was registered at the Police Station Bhilai Nagar, Durg. Thereafter no challan was filed against the petitioner. However, the challan was filed against other 3 accused persons and out of 3, 2 were acquitted by the trial Court and one was acquitted by the appellate Court, but the jeep in question is lying with the Collector in a confiscation proceeding initiated by the Collector in the year 2001. The Collector passed an order for releasing the jeep in question on furnishing bank guarantee of Rs.2,50,000/-. The petitioner could not arrange the bank guarantee and thereafter the petitioner applied for modification of the said condition, but the Collector has rejected the same. Learned counsel for the petitioner submitted that the criminal case has been decided but the confiscation proceeding is not being decided by the Collector, Durg. The petitioner is not able to furnish bank guarantee and the jeep in question is becoming junk. Therefore, the Collector may be directed to decide confiscation proceeding at	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	the earliest to which learned counsel for respondents has no objection. Prayer made by learned counsel for the petitioner appears to be just and reasonable. As the confiscation proceeding is pending before the Collector since 2001 and by now almost 4 years has elapsed, therefore, in the circumstances, the Collector, Durg is directed to decide the confiscation proceeding within a period of 2 months from today. With the direction aforesaid, the petition is disposed of. Consequently, M.(W.)P. No.3177/2005 also stands disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C.BHADOO Judge

23.8.05